

APR 23 1987

AN ORDINANCE TO BE KNOWN AS THE PALM BEACH COUNTY HOUSING CODE;
PROVIDING FOR TITLE AND SCOPE; PROVIDING FOR POWERS AND DUTIES OF
BUILDING OFFICIAL; PROVIDING FOR INSPECTIONS; PROVIDING FOR HARD-
SHIPS; PROVIDING FOR BUILDING BOARD OF ADJUSTMENTS AND APPEALS; PRO-
VIDING FOR APPEALS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING
FOR VALIDITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR MINIMUM
STANDARDS FOR BASE EQUIPMENT AND FACILITIES; PROVIDING FOR MINIMUM RE-
QUIREMENTS FOR ELECTRICAL SYSTEMS; PROVIDING FOR GENERAL REQUIREMENTS
FOR EXTERIOR AND INTERIOR OF STRUCTURES; PROVIDING FOR MINIMUM DWELLING
SPACE REQUIREMENTS; PROVIDING FOR ROOMING HOUSES; PROVIDING FOR
DESIGNATION OF UNFIT OR UNSAFE DWELLINGS AND LEGAL PROCEDURE OF
CONDEMNATION.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board
of County Commissioners of Palm Beach County, Florida to establish,
coordinate and enforce zoning and such business regulations as are
necessary for the protection of the public; and,

WHEREAS, Chapter 163.160, part II, Florida Statutes authorizes
and empowers the Board of County Commissioners of Palm Beach County,
Florida, to control the development of the County through planning,
zoning, subdivision regulations, the reservation of mapped street
locations for future public acquisition, and the regulation of
building on the land reserved for such mapped streets; and,

WHEREAS, Section 125.01, Florida Statutes declares zoning to be
a County purpose and provides that the Board of County Commissioners
may adopt ordinances and resolutions as may be necessary to exercise
their powers, provide for enforcement and for the levying of fines
and penalties for the violation or ordinances in accordance with law;

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA;

3 CHAPTER I SECTION 101 - SHORT TITLE

4 The provisions embraced within the following chapters
5 shall constitute and be known and may be cited as "The Palm Beach
6 County Housing Code", hereinafter referred to as "this Code".

7 SECTION 102 - CODE REMEDIAL

8 This Code is hereby declared to be remedial, and shall
9 be construed to secure the beneficial interests and purposes thereof -
10 which are public safety, health, and general welfare - through structural
11 strength, stability, sanitation, adequate light and ventilation, and
12 safety to life and property from fire and other hazards incident to
13 the construction, alteration, repair, removal, demolition, use and
14 occupancy of dwellings, apartment houses, rooming houses or building
15 structures or premises used as such.

16 SECTION 103 - SCOPE

17 Every building used in whole or in part as a dwelling unit
18 or as two or more dwelling units, or as rooming or boarding houses
19 shall conform to the requirements of this code irrespective of the
20 primary use of such building, and irrespective of when such building
21 may have been constructed, altered or repaired.

22 This code establishes minimum standards for occupancy, and
23 does not replace or modify standards otherwise established for con-
24 struction, replacement or repair of buildings except such as are
25 contrary to the provisions of this code.

26 CHAPTER II - DEFINITIONS

27 SECTION 201

28 201.1

29 For the purpose of this Code, certain abbreviations, terms,
30 phrases, words, and their derivatives, shall be construed as set forth
31 in this Section.

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Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular. The following definitions shall apply in the interpretation and enforcement of this ordinance:

ALTER OR ALTERATION means any change or modification in construction or occupancy.

APPLICABLE GOVERNING BODY shall mean a city, county, state, state agency or other political government subdivision or entity authorized to administer and enforce the provisions of this Code, as adopted or amended.

APPROVED shall mean approved by the Building Official.

BASEMENT shall mean a portion of a building located partly underground, but having less than one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof".

BUILDING OFFICIAL shall mean the officer, or other person, charged with the administration and enforcement of this ordinance or his duly authorized representative.

1 CELLAR shall mean a portion of a building located partly or wholly
2 underground, having one-half or more of it clear floor-to-ceiling
3 height below the average grade of the adjoining ground.

4 DWELLING shall mean any building which is wholly or partly used
5 or intended to be used for living or sleeping by human occupants
6 whether or not such building is occupied or vacant: Provided that
7 temporary housing as hereinafter defined shall not be regarded as
8 a dwelling, nor shall trailers be included as a dwelling.

9 DWELLING UNITS shall mean any room or group of rooms located within
10 a dwelling and forming a single habitable unit with facilities which
11 are used for living, sleeping, cooking and eating, whether or not such
12 unit is occupied or vacant.

13 EXTERMINATION shall mean the control and extermination of insects,
14 rodents, or other pests by eliminating their harborage places; by
15 removing or making inaccessible materials that may serve as their
16 food; by poisoning, spraying, fumigating, trapping; or by any
17 other recognized and legal pest elimination methods.

18 FAMILY means one or more persons living together, whether related
19 by blood, marriage or adoption and having common housekeeping facilities.

20 FLOOR AREA shall mean the total area of all habitable space in a
21 building or structure.

22 GARBAGE shall mean the animal and vegetable waste resulting from
23 the handling, preparation, cooking and consumption of food.

24 HABITABLE ROOM shall mean a room or enclosed floor space used or
25 intended to be used for living, sleeping, cooking or eating purposes,
26 excluding bathrooms, water closet, compartments, laundries, pantries,
27 foyers, or communicating corridors, closets, and storage spaces.

28 INFESTATION shall mean the presence within or around a dwelling
29 of any insects, rodents, or other pests.

30 MULTIPLE DWELLING shall mean any building, or portion thereof,
31 which is designed, built, rented, leased, let or hired out to be occupied
32 or which is occupied as the home or residence of more than two (2)
33 families living independently of each other and doing their own cooking
34 in the said building, and shall include flats and apartments.
35

or other acceptable terminal.

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PREMISES shall mean a lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC AREAS as used in this Code, means an unoccupied open space adjoining a building and on the same property, that is permanently maintained accessible to the Fire Department and free of all incumbrances that might interfere with its use by the fire department.

REPAIR means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would effect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "Repair" or "Repairs" shall not apply to any change of construction.

REQUIRED means required by some provision of this Code.

RESIDENTIAL OCCUPANCY - Buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories, shall be classified as "Residential Occupancy". Such buildings include, among other, the following: dwellings, multiple dwellings, and lodging houses.

ROOMING HOUSE shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

ROOMING UNIT shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH shall mean combustible and non-combustible waste materials except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

STAIRWAY means one or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

1 OPENABLE AREA shall mean that part of a window or door which is 78-1
2 available for unobstructed ventilation and which opens directly to
3 the outdoors.

4 OPERATOR shall mean any person who has charge, care or control of
5 a building, or part thereof, in which dwelling units or rooming units
6 are let.

7 OWNER shall mean the holder of the title in fee simple and any
8 person, group of persons, company, association or corporation in whose
9 name tax bills on the property are submitted. It shall also mean any
10 person who, alone or jointly or severally with others:

- 11 (a) shall have legal title to any dwelling or dwelling unit, with
12 or without accompanying actual possession thereof: or
13 (b) shall have charge, care or control of any dwelling or dwelling
14 unit, as owner, executor, executrix, administrator, trustee,
15 guardian of the estate of the owner, mortgagee or vendee in
16 possessions, assignee of rents, lessee, or other person, firm
17 or corporation in control of a building; or their duly author-
18 ized agents. Any such person thus representing the actual
19 owner shall be bound to comply with the provisions of this
20 ordinance, and of rules and regulations adopted pursuant
21 thereto, to the same extent as if he were the owner. It is
22 his responsibility to notify the actual owner of the reported
23 infractions of these regulations pertaining to the property
24 which apply to the owner.

25 PERSON shall mean and include any individual, firm, corporation,
26 association or partnership.

27 PLUMBING shall mean the practice, materials, and fixtures used in
28 the installation, maintenance, extension, and alteration of all piping,
29 fixtures, appliances, and appurtenances in connection with any of the
30 following: Sanitary drainage or storm drainage facilities, the venting
31 system and the public or private water-supply systems, within or adjacent
32 to any building, structure, or conveyance; also the practice and materials
33 used in the installation, maintenance, extension or alteration of storm
34 water, liquid-waste, or sewerage, and water-supply systems of any
35 premises to their connection with any point of public disposal

1 STORY means that portion of a building included between the
2 upper surface of any floor and the upper surface of the floor next
3 above, except that the topmost story shall be that portion of a building
4 included between the upper surface of the topmost floor and the ceiling
5 or roof above.

6 STRUCTURE means that which is built or constructed, an edifice
7 or building of any kind, or any piece of work artificially built up
8 or composed of parts joined together in some definite manner. The term
9 "structure" shall be construed as if followed by the words "or part
10 thereof".

11 SUPPLIED shall mean paid for, furnished, or provided by or
12 under control of, the owner or operator.

13 TEMPORARY HOUSING shall mean any tent, trailer, or other
14 structure used for human shelter which is designed to be transportable
15 and which is not attached to the ground, to another structure, or to
16 any utilities system on the same premises for more than (30) con-
17 secutive days.

18 VENTILATION means the process of supplying and removing air
19 by natural or mechanical means to or from any space.

20 YARD means an open unoccupied space on the same lot with
21 a building.

22
23 MEANING OF CERTAIN WORDS. Whenever the words "dwelling",
24 "dwelling units", "rooming house", "rooming units", "premises",
25 are used in this ordinance, they shall be construed as though they
26 were followed by the words "or any part thereof".

27 CHAPTER III - ADMINISTRATION

28 SECTION 301 - ORGANIZATION

29 301.1 Enforcement Officer

30 It shall be the duty of the Building Official to enforce
31 this code.

301.2 Restrictions of Employees

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No officer or employee connected with the department, except one whose only connection is as a member of the board, established by this act, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, unless he is the owner of such building. No such officer or employee shall engage in any work which is inconsistent with his duties or with the interests of the department.

301.3 Records

The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

SECTION 302 - POWERS AND DUTIES OF BUILDING OFFICIAL

302.1 Inspections

The Building Official shall enforce the provisions of this Code, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter, subject to limitations imposed by law, any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage in which case the above limitations shall not apply.

302.2 Alterations or Repairs

The provisions of this Code shall apply to any dwelling, apartment, apartment house or rooming house irrespective of when said building was constructed, altered, or repaired,

(a) If alterations or repairs costing in excess of fifty percent of the currently assessed value of the building must be made to existing building to comply with this code, such building shall be made to conform with the requirements of the Palm Beach County Building Code.

1 (b) If an existing building is damaged by fire or otherwise
2 in excess of fifty percent of its currently assessed value before
3 such damage is repaired, it shall be made to conform to the require-
4 ments of the Palm Beach County Building Code.

5 (c) If the cost of alterations or repairs, or the amount
6 of such damage, is more than twenty-five but not more than fifty
7 percent of the currently assessed value of the building, the portions
8 to be altered or repaired shall be made to conform to the require-
9 ments of the Palm Beach County Building Code.

10 (d) Repairs and alterations, not covered by the preceding
11 paragraphs of this section, restoring a building to its condition
12 previous to damage or deterioration, or altering it in conformity
13 with the provisions of the Palm Beach County Building Code or in
14 such manner as will not extend or increase an existing non-conformity
15 or hazard, may be made with the same kind of materials as those of
16 which the building is constructed.

27 302.3 Maintenance

18 All buildings or structures, both existing and new, and all
19 parts thereof, shall be maintained in a safe and sanitary condition.
20 All devices or safeguards which are required by this Code in a
21 building when erected, altered, or repaired, shall be maintained
22 in good working order. The owner, or his designated agent, shall
23 be responsible for the maintenance of buildings, structures and
24 premises to the extent set out in this Code.

25 302.4 Unsafe Buildings, Dwellings, Apartment Houses
26 and Rooming Houses

27 All dwellings, apartment houses, rooming houses or buildings
28 or structures used as such which are unsafe, unsanitary, damaged,
29 decayed, delapidated, vermin infested, or
30 not provided with proper base equipment and facilities; or with inadequate
31 egress; or which constitute a fire hazard, or are otherwise dangerous
32 to human life, or which in relation to existing use constitute a
33 hazard to safety or health by reason of inadequate maintenance,
34 dilapidation, obsolescence, or abandonment, are severally in contem-
35 plation of this section, unsafe buildings. All such unsafe buildings

are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures described in Chapter V.

302.5 Requirements Not Covered By Code

Any requirement, not specifically covered by the Code, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the Building Official subject to appeal to the Building Board of Appeals. Construction necessary to comply with this code shall not commence until all applicable permits are obtained.

302.6 Liability

Any officer or employee, or member of the Building Board of Appeals, charged with the enforcement of this Code, in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this Code shall be defended by the County Attorney until final termination of the proceedings.

CHAPTER IV

No person shall occupy as owner-occupant or permit another person to occupy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

SECTION 401 - BASE EQUIPMENT AND FACILITIES

401.1 Sanitary Facilities Required

Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

401.2 Location of Sanitary Facilities

All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room having a minimum floor space of twenty (20) square feet.

401.3 Hot and Cold Water Supply

Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

401.4 Water Heating Facilities

Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or basin, bathtub or shower at a temperature of not less than 100° F. Such water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling unit heating facilities required under the provisions of this ordinance are not in operation.

401.5 Cooking and Heating Equipment

All cooking and heating equipment and facilities shall be installed in accordance with the building, gas or electrical code and shall be maintained in a safe and good working condition.

401.6 Garbage Disposal Facilities

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which facilities or containers are approved by the applicable governing body.

SECTION 402 - MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

402.1 General Requirements

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-

1 obstruction structures are located less than five (5) feet from the
2 window and extend to a level above that of the ceiling of the room,
3 such a window shall not be deemed to face directly to the outdoors
4 and shall not be included as contributing to the required minimum
5 total window area. Whenever the only window in a room is a
6 skylight type window in the top of such room the total window area
7 of such skylight shall equal at least fifteen (15) per cent of the
8 total floor area of such room.

9 (b) Year around mechanically ventilating conditioned air
10 systems may be substituted for windows, as required herein, in rooms
11 other than rooms used for sleeping purposes. Window-type air-
12 conditioning units are not included in this exception.

13 402.2 Habitable Rooms

14 Every habitable room shall have at least one window or
15 skylight which can easily be opened, or such other device as will
16 adequately ventilate the room. The total of openable window area
17 in every habitable room shall be equal to at least forty-five (45)
18 per cent of the minimum window area size or minimum skylight-type window
19 size as required, or shall have other approved, equivalent ventilation.

20 402.3 Bathroom

21 Every bathroom shall comply with the light and ventilation
22 requirements for habitable rooms except that no window or skylight
23 shall be required in adequately ventilated bathrooms equipped with an
24 approved ventilation system.

25 402.4 Electric Lights and Outlets Required

26 Every dwelling shall be wired for electrical lights and con-
27 venience receptacles. Every habitable room of such dwelling shall
28 contain at least two (2) separate floor or wall-type electric con-
29 venience outlets; and every kitchen, bathroom, laundry room, furnace
30 room, corridors or hallways, and porches shall contain at least one
31 supplied ceiling or wall-type electric light fixture. Every such
32 outlet and fixture shall be properly installed, shall be maintained
33 in good and safe working condition, and shall be connected to the
34 source of electric power in a safe manner.
35

402.5 Light in Public Halls and Stairways

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Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.

SECTION 403 - MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power in accordance with the adopted electrical code of the Applicable Governing Body.

(a) Where the determination is made, upon examination of the existing electrical service supply, that such electrical service supply is obsolete or is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, following shall be used for determining the adequacy of such service supply and main disconnect switch except, however, the total number of lighting electrical outlets may be increased if gas is substituted for electricity.

Total Numer of Lighting Electrical Outlets Only
0-24
25-50

Capacity of Main Service Supply and Main Disconnect Switch
60 amp service
100 amp service

(b) The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the Applicable Governing Body.

SECTION 404 - GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR
OF STRUCTURES

404.1 Foundation

The building foundation walls, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the weight of the structure, the weight of furnishings, appliances and inhabitants and be capable of withstanding hurricane force windloads indicated in the Standard Building Code for Palm Beach County

1 404.2 Exterior Walls

2 The exterior walls shall be substantially weathertight,
3 watertight and shall be made impervious to the adverse effects of
4 weather and be maintained in sound condition and good repair.

5 404.3 Roofs

6 Roofs shall be maintained in a safe manner and have no
7 defects which might admit rain or cause dampness in the walls or
8 interior portion of the building and be sufficiently anchored to
9 resist hurricane force windloads indicated by the Standard
10 Building Code for Palm Beach County.

11 404.4 Means of Egress

12 Every dwelling unit shall have safe, unobstructed means of
13 egress with a minimum ceiling height of seven feet (7') leading to
14 a safe and open space at ground level.

15 404.5 Stairs, Porches and Appurtenance

16 Every inside dwelling stair, porch and any appurtenance
17 thereto shall be safe to use and capable of supporting the load that
18 normal use may cause to be placed thereon; and shall be kept in sound
19 condition and good repair.

20 404.6 Protective Railings

21 Protective railings shall be required on any unenclosed
22 structure over five (3) feet from ground level or on any steps
23 containing four (4) risers or more.

24 404.7 Windows and Doors

25 Every window, exterior door and basement or cellar door and
26 hatchway shall be substantially weathertight, watertight and rodent
27 proof; and shall be kept in sound working condition and good repair.

28 404.8 Windows to be Glazed

29 Window panes or an approved substitute shall be maintained
30 without cracks or holes.

31 404.9 Window Sash

32 Window sash shall be properly fitted and weathertight within
33 the window frame.

1 404.10 Windows To Be Openable

2 Every window required for light and ventilation for habitable
3 rooms shall be capable of being easily opened and secured in position
4 by window hardware.

5 404.11 Hardware

6 Every exterior door shall be provided with proper hardware and
7 maintained in good condition.

8 404.12 Door Frames

9 Every exterior door shall fit reasonably well within its frame
10 so as to substantially exclude rain and wind from entering the dwelling
11 building.

12 404.13 Screens

13 Every window or other device with opening to outdoor space,
14 used or intended to be used for ventilation, shall have screens.

15 Dwelling buildings containing central heating furnaces and
16 air conditioning equipment for mechanically ventilating the building
17 year around are not required to have screens on door or window
18 openings. Window type air conditioning units are not included in this
19 exception.

20 404.14 Protective Treatment

21 All exterior wood surface, other than decay resistant woods,
22 shall be protected from the elements and decay by painting or other
23 protective covering or treatment.

24 404.15 Accessory Structures

25 Garages, storage buildings and other accessory structures
26 shall be maintained and kept in good repair and sound structural
27 condition.

28 404.16 Interior Floor, Walls, and Ceilings

29 Every floor, interior wall and ceiling shall be substantially
30 rodent proof; shall be kept in sound condition and good repair; and
31 shall be safe to use and capable of supporting the load which normal
32 use may cause to be placed thereon.

1 404.17 Structural Supports

2 Every structural element of the dwelling shall be maintained
3 structurally sound and show no evidence of deterioration which would
4 render them incapable of carrying loads which normal use may cause to
5 be placed thereon.

6 404.18 Protective Railings for Interior Stairs

7 Interior stairs and stairwells more than four (4) risers
8 high shall have handrails located in accordance with the requirements
9 of the building code. Handrails or protective railings shall be capable
10 of bearing normally imposed loads and be maintained in good condition.

11 SECTION 405 - MINIMUM DWELLING SPACE REQUIREMENTS

12 405.1 Required Space in Dwelling Unit

13 Every dwelling unit shall contain at least 150 square feet of
14 floor space for the first occupant thereof and at least 100 additional
15 square feet of floor area per additional occupant.

16 405.2 Required Space in Sleeping Rooms

17 In every dwelling unit of two or more rooms, every room
18 occupied for sleeping purposes by one occupant shall contain at least
19 70 square feet of floor space, and every room occupied for sleeping
20 purposes by more than one occupant shall contain at least 50 square
21 feet of floor space for each occupant thereof. For sleeping rooms
22 occupied by children, if bunk beds or other space saving equipment is
23 provided, occupancy can be increased if approved by the Building
24 Official.

25 405.3 Minimum Ceiling Height

26 At least one-half of the floor area of every habitable room,
27 foyer, hall or corridor shall have a ceiling height of at least 6ft. 8 in.
28 and the floor area of that part of any room where the ceiling height
29 is less than 6 ft. 8 in. shall not be considered as part of the
30 floor area in computing the total floor area of the room for the
31 purpose of determining the maximum permissible occupancy thereof.

1 405.4 Occupancy of Dwelling Unit Below Grade

2 No basement or cellar space shall be used as a habitable room or
3 dwelling unit unless:

4 (a) The floor and walls are impervious to a leakage of underground
5 and surface runoff water and are insulated against dampness;

6 (b) The total of window area in each room is equal to at least
7 the minimum area size as required in Section 302.1 of this code;

8 (c) Such required minimum window area is located entirely above
9 the grade of the ground adjoining such window area; and

10 (d) The total of openable window area in each room is equal to
11 at least the minimum as required under Section 302.2 of this Code, except
12 where there is supplied some other device affording adequate ventilation.

13 SECTION 406 - SANITATION REQUIREMENTS

14 406.1 Sanitation

15 Every owner of a dwelling containing two or more dwelling units
16 shall be responsible for maintaining a clean and sanitary condition
17 the shared or public areas of the dwelling and premises thereof.

18 406.2 Cleanliness

19 Every occupant of a dwelling unit shall keep in a clean and sanitary
20 condition that part of the dwelling, dwelling unit and premises thereof
21 which he occupies and controls or which is provided for his particular use.

22 406.3 Garbage Disposal

23 Every occupant of a dwelling or dwelling unit shall dispose of his
24 garbage and any other organic waste which might provide food for rodents
25 and all rubbish in a clean and sanitary manner by placing it in the garbage
26 disposal facilities or garbage or rubbish storage containers.

27 406.4 Care of Premises

28 (a) It shall be unlawful for the owner or occupant of a
29 residential building, structure or property to utilize the premises of such
30 residential property for the open storage of any abandoned motor vehicle,
31 ice box, refrigerator, stove, glass, building material, building rubbish or
32 similar items. It shall be the duty and responsibility of every such
33 owner or occupant to keep the premises of such residential property
34 clean and to remove from the premises all such items as listed above
35 including but not limited to dead trees, trash,
36 garbage, or similar items.

1 (b) For the purpose of this section, an abandoned motor
2 vehicle is defined as one that is in a state of disrepair and incapable
3 of being moved under its own power.

4 406.5 Extermination

5 Every occupant of a single dwelling building and every owner of
6 a building containing two or more dwelling units shall keep the premises
7 free from infestation of any insects, rodents, or other pests.

8
9 406.6 Use And Operation Of Supplied Plumbing Fixtures

10 Every occupant of a dwelling unit shall keep all plumbing
11 fixtures therein in a clean and sanitary condition and shall be
12 responsible for the exercise of reasonable care in the proper use and
13 operation thereof.

14 SECTION 407 - ROOMING HOUSES

15 No person shall operate a rooming house, or shall occupy or
16 permit another person to occupy any rooming unit in any rooming house,
17 except in compliance with the provisions of every section of this Code
18 except the provisions of Section 401 and 406.

19 407.1 License Required

20 No person shall operate a rooming house unless he holds a
21 valid rooming house license.

22 407.2 Water Closet, Lavatory and Bath Facilities

23 (a) At least one flush water closet, lavatory basin, and
24 bathtub or shower, properly connected to a water and sewer system and
25 in good working condition, shall be supplied for each four (4) rooms
26 within a rooming house wherever said facilities are shared.

27 (b) All such facilities shall be located on the floor they
28 serve within the dwelling so as to be reasonably accessible from a
29 common hall or passageway to all persons sharing such facilities.

30 407.3 Water Heater Required

31 Every lavatory basin and bathtub or shower shall be supplied
32 with hot water at all times.

1 407.4 Minimum Floor Area For Sleeping Purposes

2 Every room occupied for sleeping purposes by one person
3 shall contain at least seventy (70) square feet of floor space and
4 every room occupied for sleeping purposes by more than one person
5 shall contain at least fifty (50) square feet of floor space for
6 each occupant thereof.

7 407.5 Exit Requirement

8 Every rooming unit shall have safe, unobstructed means of
9 egress leading to safe and open space at ground level.

10 407.6 Sanitary Conditions

11 The operator of every rooming house shall be responsible for
12 the sanitary maintenance of all walls, floors, and ceilings, and
13 for maintenance of a sanitary condition in every other part of the
14 rooming house; and he shall be further responsible for the sanitary
15 maintenance of the entire premises where the entire structure or
16 building is leased or occupied by the operator.

17 CHAPTER V - DESIGNATION OF UNSAFE OR UNFIT DWELLINGS
18 AND LEGAL PROCEDURE OF NOTICE

19 The designation of dwellings or dwelling units as unsafe and the
20 procedure for the condemnation and placarding of such unsafe dwellings
21 or dwelling units shall be carried out in compliance with the following
22 requirements:

23 SECTION 501 - UNSAFE BUILDINGS

24 Any dwelling or dwelling unit which shall be found to have
25 any of the following defects shall be declared illegal and shall be
26 abated by repair and rehabilitation or by demolition in accordance
27 with procedures prescribed by this Section.

28 (a) One which is so damaged, decayed, dilapidated, unsanitary,
29 unsafe, or vermin-infested that it creates a hazard to health or
30 safety of the occupants or of the public.

31 (b) One which lacks base equipment and facilities, illumination,
32 ventilation, or sanitation facilities adequate to protect the health
33 or safety of the occupants or of the public.

1 SECTION 502 - UNFIT DWELLINGS

2 Any dwelling or dwelling unit which has any of the defects 78-1
3 of Section 501 to the extent that it creates a serious hazard to
4 the health or safety of the occupants or of the public shall be
5 condemned as unfit for human habitation.

6 SECTION 503 - NOTICE

7 503.1 Form of Notice

8 Whenever the Building Official has declared a dwelling or multi-
9 family dwelling as unsafe or unfit for human habitation, he shall give
10 notice to the owner of such declaration. Such notice shall:

- 11 (a) Be in writing;
12 (b) Include a statement of the reasons why it is being issued;
13 (c) Include a description of the real estate sufficient for
14 identification;
15 (d) Said notice shall state that, if such repairs, reconstruction,
16 alterations, removal or demolition are not voluntarily completed within
17 the stated time as set forth in the notice, the Building Official shall
18 institute such legal proceedings which are necessary to correct the
19 violation of this code or upon showing of good faith the Building
20 Official may, for good cause, grant a 90-day extension of
21 time in which to comply with the notice;

- 22 (e) If the dwelling or dwelling unit has been declared unfit,
23 the notice shall state the time occupants must vacate the dwelling units;

24 503.2 Service of Notice

25 Service of notice shall be as follows:

- 26 (a) By delivery to the owner personally or by leaving the notice
27 at the usual place of abode of the owner with a member of the owner's
28 family at least 15 years of age; or

- 29 (b) By depositing the notice in the United States Post Office
30 addressed to the owner at his last known address with postage prepaid
31 thereon; or

- 32 (c) By posting and keeping posted for twenty-four (24) hours
33 a copy of the notice in the placard form in a conspicuous place
34 on the premises; or

- 35 (d) If the dwelling or dwelling unit has been declared unfit, a
36 a copy of the notice in placard form shall be posted and kept at each
37 entrance to the dwelling or dwelling unit to be vacated.

SECTION 504 - VACATING OF DECLARED BUILDING

Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Official, shall be vacated within the stated time after notice of such condemnation has been given by the Building Official to the owner or occupant of the building, unless the defect or defects upon which the condemnation is based is eliminated within the stated time. If necessary, the Building Official may require a building to be vacated immediately.

SECTION 505 - OCCUPANCY OF BUILDING

No dwelling or dwelling unit which has been condemned, and placarded as unfit for human habitation and vacated shall again be used for human habitation until approval is secured from and such placard is removed by the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

SECTION 506 - REMOVAL OF PLACARD OR NOTICE

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 505.

SECTION 507 - APPEALS

Any person receiving written notice from the Building Official of deficiencies in his property under this Code may within 15 days following the date of such notice enter an appeal in writing to the Building Board of Appeals. Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the variance or modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.

SECTION 508 - VIOLATIONS AND PENALTIES

Violation of this ordinance shall be a misdemeanor punishable according to law by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

In addition to or in lieu of any criminal enforcement of this code, the applicable governing body may institute civil proceedings in any court or administrative body which has jurisdiction to obtain an injunction against any continuing violation of this code.

CHAPTER VI - LEGAL STATUS

SECTION 601 - SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portions of this ordinance and it shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any person, property or circumstances.

SECTION 602 - EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt from the Department of State of official acknowledgement that this ordinance has been filed with the Department of State.

SECTION 603 - INCLUSION IN CODE

It is the intent of the board and is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida, that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and the word "ordinance" may be changed to "section", "article", or other appropriate word.

604 - CONFLICTING REGULATIONS REPEALED

All special laws applying to and within the County, general laws applying only to Palm Beach County, any general law which the Board of County Commissioners is specifically authorized by Article VIII of the 1968 Florida Constitution to supersede, nullify or amend, any local ordinance and Resolution in conflict with any provision of this ordinance are hereby repealed.

Approved and adopted by the Board of County Commissioners of Palm Beach County, Florida, on the 7th day of February, 19 78.

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

By [Signature]
Chairman

Acknowledged by the Department of State of Florida on the 13th day of February, 19 78.

Effective date: February 16, 1978 / Received and filed @ 12:01 P. M.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
[Signature]
COUNTY ATTORNEY